

APPROVED: Meeting No. 20-82

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 16-82

May 3, 1982

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 3, 1982, at 7:30 p.m. to discuss personnel and litigation.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 8:00 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on Monday, May 3, 1982.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; City Clerk Helen Heneghan; Assistant City Attorney Paul Glasgow; Information Officer Sue M. Patterson; Budget Officer Anna Lee Berman; Director of Finance John Lawton; Director of Planning James M. Davis; Director of Recreation and Park Ronald Olson; Director of Community Development and Housing Assistance Douglas Horne; Assistant City Manager Daniel Hobbs.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Fleet Street resurfacing will be done this week.
2. There has been an 8 percent increase in the newspapers being recycled.
3. The Public Works department has stock piled a thousand tons of salt to prepare for next winter.

4. A letter has been sent to the residents of Maryland Avenue, between Argyle and Fleet Streets, telling them of the sidewalk construction that will be done with no special assessment.

5. A special thank you is due to the Recreation and Parks department for a well-organized Rockville Day. It had quite a large attendance.

6. The car that was ready for demolition on Saturday had been stripped down and readied to be part of the fun at Sunday's Rockville Day. During the night Saturday night, noting the abandoned car and not knowing its purpose but anxious to have a pleasant day on Sunday, the police towed the abandoned vehicle away.

7. The City Attorney reported to the Mayor and Council on the redistricting suit. In Annapolis, eight hours of oral arguments were heard by the court and it is now under advisement. It is expected that it will be handled rapidly and a decision will be out by June 4.

Mayor Freeland said Rockville Day was a tremendous success and the work of the staff was certainly commendable. He welcomed the re-elected Council and welcomed the two new members, Mrs. Hovsepian and Mr. Duncan.

Mayor Freeland said he has an announcement to make that he does not take great pleasure in making but it has to be done. The City Attorney has reached a point in his career where there is no more room for family, himself and the City. There is great disappointment on the part of the Mayor and Council and it plans to keep him on as an advisor and consultant to give the City the legal support it needs. Mayor Freeland added he is most happy that Mr. Titus had a strong backup during the past nine years of working with the City and he announced the appointment of Paul Glasgow as the new City Attorney. The audience appropriately thanked Mr. Titus for his service and welcomed Mr. Glasgow.

On motion of Councilman Tyner, duly seconded and unanimously passed, Paul Glasgow was appointed City Attorney.

Councilman Tyner introduced Bill Quinlan, the new reporter from the Gaithersburg Gazette.

Re: Proclamation: Small Business
Week - May 9-15, 1982

Proclamation No. 2-82

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 2-82, proclaiming the week of May 9-15 as small business week in the City. Councilman Tyner read the proclamation at the request of the Mayor in which it was urged that all citizens patronize those small enterprises that make up 97 percent of all business in this country. Ms. Bernice Grossman, Executive Director of the Chamber of Commerce, accepted the proclamation on behalf of the small businesses in the City and presented to the Mayor and Council the new Chamber of Commerce Directory, making its debut this evening and celebrating the 25th anniversary of the Rockville Chamber of Commerce.

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Re: Appointments

Mayor Freeland announced the appointment of Councilman Duncan as the Council's representative to the Retirement Board. The appointment was confirmed by the Council.

Re: Reconsideration of Bid No. 40-82
Lawn Maintenance - Ritchie Parkway

On March 29, 1982, the Mayor and Council awarded Bid No. 40-82 for lawn maintenance on Ritchie Parkway to Classic Landscaping Company, Mt. Airy, Maryland, in the amount of \$1,081.50 per mowing for a total of \$12,978.

Following the bid award the Contract Officer proceeded to execute the contract signing. Classic informed the Contract Officer that they were unable to provide the required Performance and Payment Bonds.

The City Attorney's office indicated that Classic was no longer a responsible bidder and that the second lowest bidder could be awarded the bid with Mayor and Council approval.

It is recommended that Bid No. 40-82 be awarded to Commercial Lawn and Landscaping Company, Rockville, Maryland, in the amount of \$1,110.06 per mowing for a total of \$13,320.72 for the season.

On motion of Councilman Abrams, duly seconded and unanimously passed, since the original low bidder was no longer a responsible bidder, Bid No. 40-82, was awarded to the second lowest bidder, Commercial Lawn and Landscaping Company in the amount of \$1,110.06 per mowing for a total of \$13,320.72 for the season.

Re: Citizen's Forum

Mayor Freeland opened the meeting to those citizens who wished to address the Council.

1. Howard Zared of the Gray Panthers. Mr. Zared said he is a representative of the Montgomery County Association of Senior Citizen's Organizations. He is here tonight to speak about one employee of the City who is seventy years old and is being asked to retire. He is not familiar with the City's ordinance but he would hope that the Mayor and Council would look to repealing an ordinance that calls for this action. He makes this statement comments as he has been told that the employee is competent.

Mayor Freeland thanked Mr. Zared for his comments and told him that the matter would be addressed this evening in executive session since it is a personnel matter.

2. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein welcomed the newly elected Council and said he looks forward to the next two years. He told the Mayor and Council that public housing is an issue that should be addressed in the City. People who live in public housing feel that have received a raw deal. The current management at the Rockville Housing Authority shows a lack of professionalism. He proposed that the Housing Opportunity Commission be asked by the Mayor and Council to look at the City's housing and consider managing it or doing whatever that is best for those citizens who live there.

Councilman Abrams shared Mr. Silberstein's concerns. He suggested that rather than leap forward before the problem is fully identified, that the staff give the Mayor and Council some recommendations on the roles and responsibilities of the Housing Authority and then the Council prepare to take some action. He said this might be in the best interest of the citizens rather than creating a problem while trying to solve one. Mayor Freeland agreed. He assured Mr. Silberstein that the five members of the Mayor and Council care and want to see this condition improved. Mr. Silberstein suggested the Mayor and Council might ask the Housing Opportunities Commission to come in as management consultant and do the recommendations.

3. Steve Fisher, Rockville Civic Federation. Mr. Fisher welcomed the Mayor and Council and thanked all who worked to make Rockville Day such a success. He noted that an article had appeared in the newspaper just before the elections that arose the emotions of many. He asked why Mayor Freeland and Councilman Abrams attended a meeting with the County Council and what they hoped to accomplish in this meeting with the Council and Laytonsville representatives discussing the Laytonsville Landfill.

Mayor Freeland said it is his responsibility to do what is timely and to look at what the community needs. As a Montgomery County resident the citizens face a problem that goes beyond what is read as the City's need. It is not always best to act for the City's own self-interest. He accepted the liability to bring about something that might be in the best interest of the entire community. It is not necessary for a Councilmember to get permission before carrying out his duty as an elected official. It is his feeling that he and Councilman Abrams received a disservice from the reporter and a disservice from those county councilmembers who were quoted in the press.

Councilman Abrams asked Mr. Fisher if he is speaking for the Rockville Civic Federation tonight after polling them or is he speaking as a spokesman who feels

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he can truly represent them. Councilman Abrams said he is willing to take chances to get information in order to make good decisions. However, he would never take any action that would extend beyond his authority. He has learned that if a person is always on guard for a perception of how a circumstance looks, it is hard to ever take a chance and get things done. He suggested that if Mr. Fisher truly wanted to find out what had gone on at the meeting and what had really occurred, he might have called the participants of the meeting and not relied on a newspaper report. Mr. Fisher said he could not get the information from Montgomery County although he had tried. He said he saw no value in the City's action and felt the City had nothing to gain and the action taken by Mayor Freeland and Councilman Abrams did not serve the City's position very well. Mayor Freeland said had he and Mr. Abrams asked other members of the Council to attend the meeting it could have reflected a change in the City's position and there was no change in the City's position. It was simply an information gathering meeting. Mr. Fisher said it would seem to him that the meeting was more in Mr. Schoenke's favor than in the City's interest. Councilman Abrams noted that not too long ago the Council was criticized for not getting involved in the Board of Education activities sooner and it would seem that the Council is to be damned if it takes action and damned if it doesn't. He said no deal was offered by the City. He and Mr. Freeland were simply there as individuals.

Councilwoman Hovsepien cautioned the Council that members of the audience who had not read all those news papers might not be aware of what is actually being discussed. She suggested in the future that a subject be identified initially so that it could be more readily understood by the audience.

4. Herman Hartman, 125 South Van Buren Street. Mr. Hartman said he is the owner of property at 214 North Adams Street which is a rental. He received a municipal infraction because an unhealthy situation exists in the house, including a sewage backup. He is curious as to why it is served on him and not to the tenant. If he corrects the situation, it can be done again since an undesirable person is in the house. Mayor Freeland said the City Manager will look into it and get back to Mr. Hartman. Councilman Tyner said he would also like a copy of the explanation when it is given to Mr. Hartman.

(At this time Councilman Abrams stepped out of the meeting.)

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There being no other citizen wishing to address the Mayor and Council Mayor Freeland closed the citizen's forum portion of the meeting.

Re: Decision and Instructions to staff re SCA-39-82, application to abandon a portion of Baltimore Road at West Stonestreet and B&O right of way, Stonestreet Joint Venture, Applicant

This application for abandonment of a 55 foot public right of way for Baltimore Road between the B&O railroad and South Stonestreet Avenue, was heard by the Mayor and Council on April 12. No person spoke in opposition to the abandonment. The record was held open for one week and no additional testimony was added.

On motion of Councilman Tyner, duly seconded and passed by a unanimous vote of all present, the staff was instructed to prepare the necessary legal documentation to grant the application.

Re: Approval of waiver of on-site storm water management at Montgomery College Fine Arts Facility

This site of 0.96 acres is located on the campus of Montgomery College near the head of the tributary to Watts Branch which runs through Anderson Park. The existing stream below the college grounds is eroding.

At the site of the new addition it is possible to provide underground detention of storm water at a cost of approximately \$20,000. However, there have been maintenance problems with such underground structures and the SWM Committee prefers that this detention be handled off-site.

There is an excellent location for off-site SWM in Anderson Park. Nearby residents support the proposed Anderson Park SWM facility (which was the subject of a neighborhood meeting and is now carried as CIP project E-5). Design and construction of this project in FY 83 is expected based on funds collected to date.

A small easement is needed from the College in order to maximize the effectiveness of the public SWM facility. The College's Engineer will obtain the easement from the Board of Trustees if the waiver is granted.

The Storm Water Management Committee recommends that the Mayor and Council grant a waiver for the college's on-site SWM requirement and accept a contribution in the amount of \$8,640 (0.96 acres at \$9,000) for the City's off-site SWM program on the condition that the college grant a small easement to maximize the effectiveness of the nearby SWM facility.

(At this time, Councilman Abrams returned to the meeting.)

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Councilman Tyner asked if the neighborhood discussions have proceeded concerning parking arrangements. The City Manager said that the College is doing a parking study and the preliminary indication is that restriping for compact cars will increase the number of spaces. There is also the possibility of using the Educational Services Building if the Board of Education allows it. The new president did not know of the dissatisfaction in the neighborhood due to student parking. He plans to hold meetings with the neighbors periodically. Councilman Tyner asked how soon the City can construct Project E-5. Mr. Goodin said design can be completed this summer and it can be built before the next fiscal year is over.

On motion of Councilman Tyner, duly seconded and unanimously passed, the waiver was granted.

Re: Presentation of Operating
Budget for FY 82 and Capital
Improvement Program for 1983-1988

Mr. Blick presented the operating budget to the Council which reflects a reduction in the tax rate from \$.95 to \$.90, the lowest it has been since 1971. The FY 83 proposed water rate is \$1.06 per thousand gallons, a \$.16 increase over the FY 82 rate. The FY 83 proposed sewer rate is \$1.61 per thousand gallons, a \$.14 increase over FY 82. The FY 83 proposed rate for refuse collection and disposal is \$13.06 per month, a \$1.74 over FY 82. Mr. Blick, with the assistance of slides showing charts and graphs, showed where the money comes from and how it is spent. All of the items shown are included in the budget document. Copies of which are available at City Hall. Mr. Blick thanked Anna Lee Berman, James Keene, and Linda Trageser. There will be a budget briefing by the staff on Thursday evening for the benefit of the Mayor and Council. Mr. Blick then proceed to submit to the Mayor and Council the Capital Improvements Program for the next 6 years. The Council referred this to the Planning Commission. Public hearings on the budget and CIP will be held on Monday, May 24, 1982, and Tuesday, June 1, 1982. A schedule of work sessions will be published when it is completed. Mr. Blick explained that \$.01 on the tax rate is equivalent to \$60,000. Councilman Tyner asked if the Council might have a list of the Capital Improvements Projects currently under design or construction and the expected completion date. The Mayor and Council thanked Mr. Blick for the presentation.

Re: Approval of City's position
on Federal Capital Improvement
Program

The Planning Department has reviewed the Proposed Federal Capital Improvements Program for Fiscal Years 1982-1987. There are 183 projects in the program with a total cost of \$1,971,506,000.

There is one project in the program which has been of interest to Rockville in the past and remains of interest. This is the Pike Station relocation. This concerns the Post Office located on Rollins Avenue. The project calls for \$940,000 for land acquisition, design and construction of a replacement facility containing 4300 square feet of interior space for 71 employees. The money is budgeted for FY 85 and FY 86. It had been scheduled for FY 84 in the last year's Federal CIP.

This project has been in the Federal CIP for a number of years and the City has consistently expressed its position that it is opposed to relocating this Post Office outside the immediate area where it is now located. A primary concern is the fact that the existing facility is within walking distance of Congressional Towers and Bethany House.

The Planning Department recommends that the Mayor and Council reiterate this concern to the National Capital Planning Commission.

Councilman Tyner suggested that the letter be made a little stronger. He submitted some changes to the Mayor for the letter. Councilman Abrams asked if the staff knows where the Post Office would be moved. Mr. Davis said that information was not included. Mayor Freeland suggested that the City's congressman and senators should be added to the mailing list with a note from him asking for their support of the City's arguments.

On motion of Councilman Tyner, duly seconded and unanimously passed, the letter was approved.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. R. Hanessian, Ritchie Park Center, re problems with youth

Councilwoman Hovsepian asked what kind of follow up is being done on this. The City Manager said the Police Department is meeting with the owners and tenants and he will be back to the Council with a report.

2. Thank you letter from Councilman Gudis

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3. Acknowledgement of award application from U.S. Conference of Mayors
4. C. Parker, re neighborhood problem

Councilwoman Hovsepian asked for an explanation of this since an employee evidently gave the wrong information or the employee's answer was misinterpreted by the writer. The City Manager said he would look into it.

5. Board of License Commissioners, re acknowledgement of City's letter
6. G.S.A. re purchase of old post office building

Councilman Tyner asked that the Mayor and Council be kept posted on this situation.

Re: Information Items

The Mayor and Council noted the following items of information

1. Notice from City Attorney re litigation
2. Notice of City Hall Open House

Mayor Freeland read the notice of the City Hall open house which will occur on Friday, May 28, and Monday, May 31, just after the parade.

3. Rockville Day flyer
4. Notice of liquor license application
5. Notice of Municipal Officials Institute
6. Memo re I-370 meeting
7. Memo re Energy Management Conference Report
8. FY 82 Expenditure Report

Re: New Business

1. Councilman Abrams asked if the City had ever received an answer from the federal government when the grant was withdrawn for the handicapped vans and was any response received from the senators or congressmen. The City Manager said he would get back with an answer.

2. Councilman Abrams suggested a stop sign be placed on Seven Locks Road at Ritchie Parkway and another one on Monroe Street at Greenpasture. The City Manager said the signs and markings are in place at Seven Locks and the signal for that location is in the design stage and the funding is in the CIP.

3. Councilman Abrams asked that the City Manager come back with a report to the Council on separate voter registration for the City and the need for it. He would like to know if the City should continue to do it or join in with the County. He also invited Gaithersburg's participation in the answer since they

had experimented with it. Councilman Tyner asked that previous information be made available to the Council and that Mrs. Morrison, who had been Chairman of the Board of Elections when it was investigated last time be asked for her opinion. He also suggested that the Montgomery County Supervisors of Election be brought in on it for comment.

4. Councilman Abrams suggested that a 24 hour a day recording on the City's telephone system be used to publish agendas and voter information. The Council discussed this at length. Councilwoman Hovsepien suggested that it might be difficult to write down the information if it is given by recording. Mayor Freeland said it would add one more link to the communication team of information. Councilman Tyner said it would be helpful to have additional information from the public information office and the City Clerk as to the effectiveness of this. Mayor Freeland said the effectiveness would have to be measured. Councilwoman Hovsepien suggested the cost of this be compared to the cost of mailing agendas.

Councilman Abrams moved, duly seconded and passed unanimously, with Councilman Duncan abstaining due to a possible conflict of interest, that this matter be discussed during budget considerations to see the cost and staff's recommendation.

5. Mayor Freeland said that any member of the Council who would like to have an item placed on the agenda should submit the matter to him and he will put it on the agenda as soon as possible but definitely within 90 days. Citizens may submit their agenda items to the Mayor and Council and after Council approval it will also be placed on the agenda within 90 days. Councilman Tyner suggested that the citizens submissions be done on demonstration basis to see just how it works. Mayor Freeland agreed to this and asked that the City Manager and the City Clerk attempt to put the agenda projections out on a 90-day basis so citizens know in advance what is coming. Most items are planned in advance and it is easy to insert contracts and other emergency items. The City Manager said most agenda items are administrative matters and no citizens comment is needed. There is a requirement for public hearing notices to be published far in advanced. Mayor Freeland said items of major consequence do not pop up over night. They are in the works for a while. The Mayor and Council then discussed an earlier printing of the agenda or including them in a local newspaper. The City Manager said this can be done on an experimental basis. Councilman Tyner said anything tried should be reassessed in the event that the process might start to bog down the proper course of City business. Howard Silberstein suggested that Montgomery

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County has used a tape recording for the announcement process on jobs and events. The City might want to contact them for an assessment of the idea.

6. Mayor Freeland said it would be necessary in the future to track the school board more closely. He asked that the staff develop a new commission for the City called the Education Commission. It will stay in close contact with school board action and report to the Council and speak for the Mayor and Council on its instructions. He said he is open for ideas from the public at large and will wait for staff information and then decide if a public hearing on the new Commission is necessary. Councilwoman Hovsepian asked if the PTAs will be asked for their ideas. The City Manager said the staff will attempt to set forth recommendations, having dealt with the school board on many matters for quite a while, and bring a proposal back to the Council and possibly a news article in the Newsletter will solicit some citizen information.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was adjourned for executive session to discuss personnel matters.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11 p.m. to convene again in executive session on Monday, May 10, at 7:00 p.m. or at the call of the Mayor.